



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-1316; Airspace Docket No. 22-AGL-32]

RIN 2120-AA66

Amendment of Class E Airspace; Multiple North Dakota Towns

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Carrington, ND; Cooperstown, ND; Harvey, ND; Rolla, ND; and Walhalla, ND. This action is due to airspace reviews conducted as part of the decommissioning of the Devils Lake very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program. The name of Rolla Municipal Airport/Leonard Krech Field, Rolla, ND, is also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, April 20, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Carrington Municipal Airport, Carrington, ND; Cooperstown Municipal Airport, Cooperstown, ND; Harvey Municipal Airport, Harvey, ND; Rolla Municipal Airport/Leonard Krech Field, Rolla, ND; and Walhalla Municipal Airport, Walhalla, ND, to support instrument flight rule operations at these airports.

History

The FAA published a notice of proposed rulemaking in the *Federal Register* (87 FR 66634; November 4, 2022) for Docket No. FAA-2022-1316 to amend the Class E airspace at Carrington, ND; Cooperstown, ND; Harvey, ND; Rolla, ND; and Walhalla, ND. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is

publicly available as listed in the ADDRESSES section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71:

Amends the Class E airspace extending upward from 700 feet above the surface at Carrington Municipal Airport, Carrington, ND, by removing the Devils Lake VOR/DME and the airspace extending upward from 1,200 feet above the surface from the airspace legal description as it is redundant with the airspace extending upward from 1,200 feet above the surface over the State of North Dakota;

Amends the Class E airspace extending upward from 700 feet above the surface to within a 6.3-mile (decreased from a 6.4-mile) radius of Cooperstown Municipal Airport, Cooperstown, ND; and removes the Devils Lake VOR/DME, Hector International Airport, Grand Forks AFB, Jamestown VOR/DME, Barnes City Municipal Airport, and the airspace extending upward from 1,200 feet above the surface from the airspace legal description as it is redundant with the airspace extending upward from 1,200 feet above the surface over the State of North Dakota;

Amends the Class E airspace extending upward from 700 feet above the surface at Harvey Municipal Airport, Harvey, ND, by removing Minot AFB, Bismarck VOR/DME, Devils Lake VOR/DME, and the airspace extending upward from 1,200 feet above the surface from the airspace legal description as it is redundant with the airspace extending upward from 1,200 feet above the surface over the State of North Dakota;

Amends the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (decreased from a 7.3-mile) radius of Rolla Municipal Airport/Leonard Krech Field, Rolla, ND; removes the exclusion north of lat. 49°00'00"N. as it is no longer required; removes the Devils Lake VOR/DME and the airspace extending upward from 1,200 feet above the surface from the airspace legal description as it is redundant with the airspace extending upward

from 1,200 feet above the surface over the State of North Dakota; and updates the name of the airport (previously Rolla Municipal Airport) to coincide with the FAA's aeronautical database;

And amends the Class E airspace extending upward from 700 feet above the surface at Walhalla Municipal Airport, Walhalla, ND, by removing the Devils Lake VOR/DME and the airspace extending upward from 1,200 feet above the surface from the airspace legal description as it is redundant with the airspace extending upward from 1,200 feet above the surface over the State of North Dakota.

This action is due to airspace reviews conducted as part of the decommissioning of the Devils Lake VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental

Impacts: Policies and Procedures,” paragraph 5-6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71 --DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

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AGL ND E5 Carrington, ND [Amended]

Carrington Municipal Airport, ND
(lat. 47°27'04"N., long. 99°09'05"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Carrington Municipal Airport.

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AGL ND E5 Cooperstown, ND [Amended]

Cooperstown Municipal Airport, ND
(lat. 47°25'22"N., long. 98°06'21"W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Cooperstown Municipal Airport.

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AGL ND E5 Harvey, ND [Amended]

Harvey Municipal Airport, ND

(lat. 47°47'28"N., long 99°55'54"W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Harvey Municipal Airport.

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AGL ND E5 Rolla, ND [Amended]

Rolla Municipal Airport/Leonard Krech Field, ND

(lat. 48°53'04"N., long. 99°37'15"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Rolla Municipal Airport/Leonard Krech Field.

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AGL ND E5 Walhalla, ND [Amended]

Walhalla Municipal Airport, ND

(lat. 48°56'26"N., long. 97°54'10"W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Walhalla Municipal Airport, excluding that airspace north of lat. 49°00'00"N.

Issued in Fort Worth, Texas, on January 10, 2023.

Martin A. Skinner,

Acting Manager, Operations Support Group,

ATO Central Service Center.

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